

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the previous amendments and following discussion is respectfully requested.

Claims 1-10 are pending. By this Amendment, Claim 6 is amended and new claims 7-10 are added. No new matter is added.

The Office Action rejects Claims 1, 3, 5 and 6 under 35 U.S.C. §102(b) over U.S. Patent 5,974,218 to Nagasaka et al., Claims 1, 3, 5 and 6 under 35 U.S.C. §102(e) over U.S. Patent 6,870,573 to Yeo et al., Claim 2 under 35 U.S.C. §103(a) over Nagasaka et al. in view of U.S. Patent 5,546,191 to Hibi et al., Claim 4 under 35 U.S.C. §103(a) over Nagasaka et al. in view of U.S. Patent 6,571,054 to Tonomura et al., Claim 2 under 35 U.S.C. §103(a) over Yeo et al. in view of Hibi et al. and Claim 4 under 35 U.S.C. §103(a) over Yeo et al. in view of Tonomura et al.. These rejections are respectfully traversed.

Before considering the rejections under 35 U.S.C. §102 and 35 U.S.C. §103, it is believed that a brief review of the subject matter of the independent claims would be helpful.

Independent Claim 1 includes a video signal recording and playback apparatus for recording or playing back a video signal and including extracting means for extracting a static picture from a sequence of video signals with a predetermined timing, judgment means for forming a judgment as to whether or not a static picture extracted by the extracting means can be used as a representative picture and setting means for setting a static picture as a representative picture in accordance with an outcome of a judgment formed by the judgment means.

Independent Claim 5 includes, *inter alia*, a video signal recording and playback method.

Claim 6 includes, *inter alia*, a recording medium including a program.

New independent Claim 7 is directed to, *inter alia*, a video signal recording and playback apparatus for recording or playing back a video signal including an extracting mechanism configured to extract a static picture from a sequence of video signals with a predetermined timing, a judgment mechanism configured to form a judgment as to whether or not the static picture extracted by the extracting mechanism can be used as a representative picture, and a setting mechanism configured to set the static picture as a representative picture in accordance with an outcome of a judgment formed by said judgment mechanism.

Nagasaki et al. does not disclose judging whether or not an extracted static picture can be used as a representative picture. Instead, Nagasaki et al. discloses generating color histograms for frame pictures so as to form a decision as to the occurrence of an inter shot transition so that the leading frame pictures for the shots can be stored. Thus, Nagasaki et al. discloses how the leading frame pictures are identified. This corresponds to extracting a static picture and not judging a static picture.

Yeo et al. discloses that still video frames or short videos are captured and stored in the frame video storage device. Then frames which are already stored are removed, for example, if they are redundant or after consultation of a set of display parameters, as representative picture. Thus, any decisions related to the frames are made after the frames have already been stored as a representative picture. The frames are not set as static pictures as a representative picture in accordance with an outcome of a judgment but instead are deleted in accordance with an outcome of a judgment.

Neither Hibi et al. nor Tonomura et al. provide the deficiencies of Yeo et al. or Nagasaki et al.

The dependent claims are allowable for at least the reasons discussed above and for the individual features they recite. Withdrawal of the rejection of the dependent claims is respectfully requested.

Application No. 09/903,158
Reply to Office Action of October 19, 2005.

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance. A Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

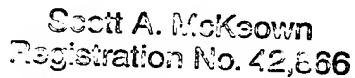
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
MB/rac
I:\ATTY\MB\275766US-AM.DOC



Scott A. McKeown
Registration No. 42,566